UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,	)	
Plaintiff,	)	CASE NO. MJ07-462
v.	)	
ROBERT LESLIE FRANCIS,	)	DETENTION ORDER
Defendant.	)	

Offenses charged:

Count 1:   Possession of Visual Depiction of a Minor Engaged in a Sexually

Explicit Manner, in violation of Title 18, U.S.C., Section

2252(a)(4)(B) and (b)(2);

Count 2:   Distribution of Images Containing Minors Engaged in a Sexually

Explicit Manner, in violation of Title 18, U.S.C., Section

2252(a)(2) and (b)(1).

Date of Detention Hearing: October 2, 2007

The Court, having conducted a contested detention hearing pursuant to Title 18

U.S.C. § 3142(f), and based upon the factual findings and statement of reasons for

detention hereafter set forth, finds that no condition or combination of conditions which

DETENTION ORDER
PAGE -1-

1   the defendant can meet will reasonably assure the appearance of the defendant as

2   required and the safety of any other person and the community. The Government was

3   represented by Nicholas Brown. The defendant was represented by Paula Deutsch.

4   <u>FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION</u>

5   (1)   There is probable cause to believe the defendant committed an offense

6   addressed in the recently enacted Adam Walsh Act involving sexual

7   exploitation of a minor. There is therefore a rebuttable presumption

8   against the defendant's release based upon both dangerousness and flight

9   risk, under Title 18 U.S.C. § 3142(e).

10 (2)   Defendant has urged electronic home monitoring as the least intrusive

11 means of detention. Pretrial Services originally recommended home

12 monitoring but has withdrawn its recommendation for release. The

13 Court was provided with information collected from the investigations

14 with present grave concern about the ability to supervise the defendant.

15 Not only is his possession of child pornography graphic, so are his

16 annotations of his fantasies to rape children who are identified as his

17 friends' children. Monitoring this type of offense by restricting access to

18 pornography is exceedingly difficult in this time of technological

19 advancement, and the vast distribution of pornography either on

20 television or on newsstands. Enough is known about pedophilia to rely

21 upon the opinion that the triggers are subtle, and that the sexual

22 attractions are deeply intertwined in the psychological make-up. In this

23 case, U.S. Pretrial Services cannot address such level of intense

24 monitoring at this time.

25 (3)   After applying the presumptions applicable under the Bail Reform Act

26 and its recent amendments, the Court concludes that the presumption of

1   detention is not overcome. Thus, it appears that there is no condition or

2   combination of conditions that would reasonably assure future Court

3   appearances and/or the safety of other persons or the community.

4   **It is therefore ORDERED**:

5   (1)   The defendant shall be detained pending trial and committed to the

6   custody of the Attorney General for confinement in a correction facility

7   separate, to the extent practicable, from persons awaiting or serving

8   sentences or being held in custody pending appeal;

9   (2)   The defendant shall be afforded reasonable opportunity for private

10   consultation with counsel;

11   (3)   On order of a court of the United States or on request of an attorney for

12   the Government, the person in charge of the corrections facility in which

13   the defendant is confined shall deliver the defendant to a United States

14   Marshal for the purpose of an appearance in connection with a court

15   proceeding; and

16   (4)   The clerk shall direct copies of this order to counsel for the United

17   States, to counsel for the defendant, to the United States Marshal, and to

18   the United States Pretrial Services Officer.

19   DATED this 3rd day of October, 2007.

20

21

22

23   _____
    MONICA J. BENTON
    United States Magistrate Judge

24

25

26

DETENTION ORDER
PAGE -3-